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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ANTHONY L. TARKINGTON,) NO. CV 12-4849-JAK(E)
12 Plaintiff,)
13 v.) ORDER ACCEPTING FINDINGS,
14 WILLIAM SMITH JR., DEPUTY) CONCLUSIONS AND RECOMMENDATIONS
15 DISTRICT ATTORNEY; MARY)
16 SANCHEZ, DEPUTY ATTORNEY) OF UNITED STATES MAGISTRATE JUDGE
17 GENERAL,)
Defendants.)
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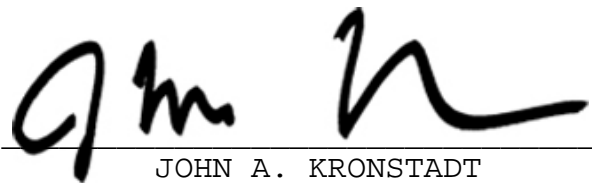
19 Pursuant to 28 U.S.C. section 636, the Court has reviewed the
20 Complaint, all of the records herein and the attached Report and
21 Recommendation (the "R&R") of United States Magistrate Judge. The
22 Court accepts and adopts the R&R, and notes that it is consistent with
23 *Cooper v. Ramos*, 704 F. 3d 772 (9th Cir. 2012), which was decided
24 after the issuance of the R&R.
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26 IT IS ORDERED that: (1) the R&R is accepted and adopted; (2)
27 Defendant Sanchez' Motion to Dismiss is granted; and (3) Judgment
28 shall be entered dismissing the Complaint without leave to amend as to
both Defendant Sanchez and Defendant Smith: (a) with prejudice to the

1 extent the Complaint challenges Defendants' alleged actions or
2 inactions with regard to Plaintiff's postconviction requests for DNA
3 testing; and (b) without prejudice as to Plaintiff's claims
4 challenging the validity of his conviction.

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6 IT IS FURTHER ORDERED that the Clerk shall forthwith serve a copy
7 of this Order and the Judgment of this date on both the Plaintiff and
8 Counsel for Defendants.

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10 DATED: May 8, 2013.

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14 JOHN A. KRONSTADT
15 UNITED STATES DISTRICT JUDGE
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